

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD  
FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON  
THURSDAY, JULY 2, 2007 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Larry Kochert at 7:30 p.m. The meeting opened with the Lords Prayer and the Pledge of Allegiance.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mrs. Crump, Mr. Gahan, Mr. Zurschmiede and President Larry Kochert. Councilmember's Schmidt and Blevins were not present.

**OTHERS:** Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

**ALSO:** Mayor James Garner, Building Commissioner Ron Hartman and Board of Works member Matt Denison

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Coffey moved to approve workshop minutes of June 21, Mr. Gahan second, all voted in favor.**

**Mrs. Crump moved to approve the regular meeting minutes of June 21, Mr. Price, second, all voted in favor. Mr. Messer abstained**

**APPROVAL OF CF-1 FORMS:**

S & J Precision, Inc., Compliance with Statement of  
Benefits Referencing R-04-24 (RE) and R-04-37 (PP)

**Mr. Crump moved to approve, Mr. Coffey second, all voted in favor.**

Sunnyview, LLC, (formerly Ansert Mechanical),  
Compliance With Statement of Benefits Referencing  
R-01-09 (RE)

**Mr. Messer moved to approve, Mr. Crump second, all voted in favor.**

Metal Sales Manufacturing Corp, Compliance with  
Statement of benefits referencing R-99-31 and R-99-32

**Tabled**

Gordon L. Huncilman and Jeffery Huncilman d/b/a  
Huncilman Enterprises, Compliance with Statement  
Of benefits referencing R-96-3B

**Mr. Price** asked if the date when this was first applied for had expired.

**Mr. Melhisier** stated that this is the final year.

**Mr. Crump moved to approve, Mr. Price second, all voted in favor.**

**COMMUNICATIONS – PUBLIC:**

**Warren Nash, 600 Country Club Drive,** spoke of Ordinance Z-07-12. He reminded them that this was on their agenda last April and was voted down. He questioned the number of parking spaces that they had for this building. He stated that the last time it

came before the council they had 36 parking spaces and now they only have 29 and there is some discussion that over-flow parking could go on the street.

**Mr. Rosenbarger** explained that they have suggested that the spaces be reduced from 10' to 9'. He stated that from a zoning point of view they cannot restrict on street parking but the Board of Public Works and safety could handle that.

**Mr. Kochert** asked if this would give them the right amount of spaces.

**Mr. Rosenbarger** stated that it would close the gap.

**Mr. Coffey** stated that he has some concerns about the size of the spaces for larger vehicles and he doesn't like that they can't restrict parking.

**Mr. Rosenbarger** stated that they City can put whatever restrictions they want on parking but it just has to be done through the Board of Works & Safety.

#### **COMMUNICATIONS – CITY OFFICIALS:**

**Steve Price** asked Mr. Kochert to explain the situation with Aqua Utilities with the sewer contract bid.

**Mr. Zurschmiede** stated that they came to the board meeting and presented a contract to them but that he hadn't really looked at it.

**Mr. Gahan** discussed his concerns with the sewer board regarding the lack of bids for the sewer management contracts.

**Mr. Zurschmiede** stated that Mr. Gahan should have come to either him or Mr. Kochert with his questions because he seems to have gotten some of his facts wrong. He explained that the conditions of the new contract will save the City almost \$500,000 a year.

**Mr. Coffey** stated that they have come up with \$300,000 savings only because they had a disgruntled employee who left the company came in and showed the City where they could have saved money. He stated that he agrees with Mr. Gahan because they could have been saving the City this money all this time, and he has had to take concerns that he has had about EMC to Mr. Kochert and although Mr. Kochert has always taken care of the issue he shouldn't have to because he isn't getting paid to do it. He asked if there were any rate changes involved in the new contract.

**Mr. Gahan** stated that it does sound good but they have nothing to compare it too, it needs to go out for bids.

**Mr. Kochert** said that there is a rate increase but only what the Council voted on.

**Mr. Zurschmiede** stated if they have a new company come in they are not going to know what EMC has or has not done and it is going to be more of the same with the same lines getting televised and the same streets being dug up and if you have two companies that are equal why would you not go with the one that knows the system and has been doing the work.

**Mr. Coffey** stated that they do not know for sure if the same problems would persist if they went with a new company but they should be open to the idea.

**Mr. Zurschmiede** stated that this is a management contract and has nothing to do with the rates and the reason this contract is a decrease is because of negotiations with the Sewer Board. He stated that he doesn't know why MI2 was hired but they told the Sewer Board that EMC was doing a good job with the sewer management but that rate that they were charging shouldn't be more than a specific amount. He explained that they took that document and worked through it with the best interest of the City of New Albany in

mind. He stated that having a Utility Manager will take care of some of the existing issues that they are having. He explained that it has been a while since the City of New Albany has had a sanitary sewer overflow and in his opinion that is fantastic and obviously a direct result from all the repairs and work that has been done under the management of EMC.

**Mr. Coffey** said this decrease in the cost of the contract should have been done a long time ago.

**Mr. Kochert** stated that when they negotiated the contract the first time the plant was being built and a lot of field work was being done and now the plant is finished so that accounts for some of the decrease.

**Mrs. Crump** asked why the 3 man crew wasn't done before.

**Mr. Zurschmiede** stated that they probably did need it before but it wasn't in the contract.

**Mr. Gahan & Mr. Coffey** once again expressed concern about this contract not being bid out.

**Mr. Zurschmiede** said that they have worked very hard on this contract and in his heart he knows that this is good for the City. He explained that they also have a new stipulation in the contract that they will be penalized if they do not televise a certain number of lines and that has never been in the contract before either.

**Mrs. Crump** asked if they were going to fix streets such as McDonald Lane as part of this contract.

**Mr. Zurschmiede** explained that it is his understanding that this was brought before the Council as part of a savings, instead of increasing the rates they did a strip repair to save money.

**Mr. Coffey** explained that the money for the complete repair of the streets was not cut out by the city council. He stated that as far as he is concerned there has been more than enough money to fix the issues enough to get the EPA off their back and it hasn't been done.

**Mrs. Crump** asked Mr. Kochert if what Mr. Coffey said is right.

**Mr. Kochert** stated that he does not agree with everything that Mr. Coffey said especially the part about the Sewer Board having adequate money to do things, and no one has mentioned the other departments being run out of the sewer budget.

**Mr. Gahan** stated that he just doesn't understand why the council doesn't have the sewer budget yet nor does he understand why they would even entertain spending that kind of money without one.

**Mr. Coffey** stated that he doesn't understand why they are afraid of putting it out there

**Mr. Zurschmiede** explained that if EMC had come to them with an increase then he would have been the first one to bid the contract out, but EMC has bent over backwards to accommodate the Cities needs. They gave as much as they could because they want to keep the contact, and if they get a new company coming in things could go back to square one with EPA and he doesn't think that there are any amount of savings worth losing the footing that they have made with the EPA. He stated that he had heard the number from Aqua Utilities and it was a bogus number. He invited the Council and the public to come to the Sewer Board meetings and take an interest in what they are doing and the amount of work they are putting into everything that is going on.

**Mr. Kochert** stated that all they need is another overflow and EPA will be right back in here and he also invited the Council members to come to the meetings and get involved.

**Mr. Coffey** stated that he is not questioning the amount of work that the board is doing but he has real concerns with EMC and he wished that they would bid the contract out and they can go back to EMC if they want to.

**Mr. LaDuke, president of Building Commission,** reported on the demolition of 3331 St. Joe Road. He presented pictures of the work being done on 1746 Ekin and 921 E. Eleventh. He reported that at their next meeting they will be discussing 5 more houses coming up for demolition.

**Mr. Kochert** stated that they need to keep the council updated as to what projects are coming in.

**Mr. LaDuke** said he would be sure to do that.

**Mr. Kochert** introduced Ms. Jenny Eggenpiller who is the field rep for Baron Hill who will also be co-sponsoring the Green Way 5K.

**COMMUNICATIONS – MAYOR:**

**APPOINTMENTS:**

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:		READING
Z-07-11	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV, Chapter 156 (Docket P-07 07: Glenn R. & Vivian A. Linnert)	Zurschmiede 1

**Mr. Zurschmiede moved for the first reading of Z-07-11, Mr. Messer second, all voted in favor**

**Mr. Gary** Brinkworth explained that there will be 48 lots at 50+ wide and up to 150 deep.

Z-07-12	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV, Chapter 156 (Docket P-08 07: JonPaul, Inc.)	Zurschmiede 1
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**Mr. Zurschmiede moved for the first reading of Z-07-12, Mr. Messer second, all voted in favor**

**Mr. Mike Naville** explained that this passed unanimously through the Plan Commission. He read a letter from Mr. & Mrs. Morgan who are the residents of 199 Ellen Court who are in favor of the project. He discussed the parking space issue and stated that there are a couple approaches to correcting this issue. One is what Mr. Rosenbarger discussed with reducing the size of the parking spaces or they could move the building back closer to the rear property line. He explained the landscaping plans for the project.

A-07-19	An Ordinance approving an Additional appropriation from The Federal Equitable Share Fund	Gahan 2&3
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**Mr. Gahan moved for the second and third readings of A-07-19, Mr. Coffey second, all voted in favor. Bill A-07-19 became ordinance A-07-29.**

A-07-20      An Ordinance Approving an Additional Appropriation      Zurschmiede2&3  
From The Fairview Perpetual Care Interest Fund.

**Mr. Zurschmiede moved for the second and third readings of A-07-20, Mr. Price second, all voted in favor. Bill A-07-20 became ordinance A-07-30.**

Z-07-10      Ordinance Amending the Code of Ordinances of New      Zurschmiede2&3  
Albany, Indiana, Title XV, Chapter 156, (Docket Z-  
01-07 – Fringe Expansion)

**Mr. Zurschmiede moved for the second reading only of Z-07-10, Mr. Messer second, all voted in favor.**

**Mr. Gahan** asked if this was a flood control area and whether the Storm Water Board has been contacted about this.

**Mr. Coffey** stated that he spoke with Mr. Deatrick who stated that he intends to report this to FEMA because he doesn't believe it is a good project. He also stated that he would be okay with this ordinance if the wording was changed regarding the city providing sewer services. He explained that he wasn't comfortable with the wording and that is the only problem he has.

**Mr. Brinkworth** stated that the developers fully intend to extend their own sewer line to the cities line.

**Mr. Gahan** asked if it was a flood plain.

**Mr. Rosenbarger** said it was.

**Mr. Gahan** stated that in his opinion they should hear what the Storm Water Board has to say on this issue.

**Mr. Coffey** suggested that they go for one reading tonight and then change the wording and then go for the third vote. He asked Mr. Rosenbarger how many permits they thought they could get for this with the soil in the condition it is in out in this area.

**Mr. Brinkworth** explained that these developers are going to develop about 32-33 acres which is not in the flood plains at all.

A-07-14      An Ordinance Approving an Additional Appropriation      Blevins 3  
From the Economic Development Income Tax  
(EDIT) Fund

**Mr. Messer moved for the third reading of A-07-14, Mr. Zurschmiede second, all voted in favor. Bill A-07-14 became ordinance A-07-31.**

**MISCELLANEOUS COMMUNICATIONS:** (public comments on non-agenda items)

**Mr. Dick Duggins, Fire Union President,** presented an ordinance that would create a Merit Commission for the fire department. He stated that this is for the council's review and if they have questions for their attorney.

**Mr. Messer** asked if it was possible to get a vote taken by their union before they invest the time in it and vote on it and then have it come back that their membership doesn't even approve of it.

**Mr. Duggins** explained that is not how it works; it has to be accepted by the Council first.

**Mr. Ed Livingston** addressed the board regarding an issue he has with property being in a steep slope and he has been told to file for a variance. He was hoping that they would investigate this and give him some relief.

**Mr. Rosenbarger** explained the issues that the Plan Commission has with this property.

**There was a lengthy discussion regarding the area that Mr. Livingston's property is in and the history of problems that have presented themselves in the sewer system.**

**Mr. Kochert** reminded everyone that the budget hearing will be July 14 at 9:00 a.m.

**ADJOURN:**

**There being no further business to be heard, the public hearing adjourned at 9:09 p.m.**

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Larry Kochert, President  
Common Council, City of New Albany

ATTEST: \_\_\_\_\_  
Marcey J. Wisman, City Clerk